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February 7, 2018

Via ECF

The Honorable Valerie E. Caproni
United States Courthouse
Southern District of New York
40 Foley Square - Courtroom 443
New York, NY 10007

Re: *Daily News Charities Inc. v. USA Boxing, Metropolitan Association,*
No. 17-cv-08733-VEC

Dear Judge Caproni:

We write in response to Defendant's letter of January 31, 2018, regarding the email sent by Dr. Osric King.

First, we note that while Defendant claims that the email was not directed or sanctioned by Defendant, Dr. King is their Chief of Physicians and listed on the Board of Directors page of their website. Whether or not he is a board member or the email was sent at the specific direction of other board members, Dr. King has at least apparent authority to represent the board and the email should be viewed as emanating from Metro. Even if the Court considers that the email was personal from Dr. King and somehow not undertaken with a board imprimatur, counsel's explanation that Dr. King thought he was following the Court's order indicates that Metro has inadequately communicated the dictates of the preliminary injunction. Had it been made clear that the title of the tournament is not GOLDEN GLOVES that could clearly have been communicated in the first email sent by Dr. King. Moreover, it suggests that Defendant's members themselves are confused as to whether Metro's tournament constitutes a GOLDEN GLOVES tournament, which it clearly does not. The perpetuation of this confusion is continuing to cause immediate and irreparable harm to Plaintiff and its GOLDEN GLOVES mark. Dr. King's subsequent email does not go quite far enough since it does not clearly cite to the error or state that this year's tournament is not the GOLDEN GLOVES.

Unfortunately, Metro does not appear inclined to properly explain the injunction to its board and members. The type of unclear communication that was sent by Dr. King appears to be part of a continuing pattern that either misrepresents the title of the tournament as GOLDEN GLOVES, suggests the tournament is the "new" GOLDEN GLOVES, or simply uses the mark to draw attention to Metro's tournament. Following the submission by Defendant last week, further violations have come to Plaintiff's attention.



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According to the January 31, 2018 letter, Metro was drafting a press release that explained the limitations set forth in the preliminary injunction. A press release was indeed issued on February 2, 2018 by Metro (see annexed), though not of the nature described. The lead for the press release says “USA Boxing Metro Extends Registration Deadline for New National Golden Gloves Qualifying Tournament.” While it references “National Golden Gloves,” it does so before it even references the title of the tournament, “New York Metro Qualifiers,” making it seem like Golden Gloves is the tournament name. Moreover, the use of “New” suggests that it is a *new* New York Golden Gloves tournament, which it is not. The GOLDEN GLOVES mark has thus been used to draw attention to the registration extension, instead of announcing an extension of the registration for the “New York Metro Qualifiers,” with a subsequent explanation that the tournament will serve as a qualifier for the national Golden Gloves tournament. The press release also appears on the homepage of Metro’s website (see annexed), which still shows boxers from prior tournaments wearing uniforms depicting the GOLDEN GLOVES mark. A further iteration of the announcement, annexed, leaves out the reference as a *qualifier* for national tournament and simply states: “USA Boxing Metro Extends Registration Deadline for New National Golden Gloves.” Again, Metro’s tournament is not a *new* national GOLDEN GLOVES tournament.

The pattern also seems to extend to in person communications from Metro to coaches, gym and other members and potential hosts of shows for Metro’s tournament. Plaintiff has learned from the Yonkers YMCA that a board member solicited the gym to host a “Golden Gloves” show. The representative of the YMCA, who is aware of the dispute, responded that the tournament is not the GOLDEN GLOVES this year, but the board member persisted in asking if the gym was interested in hosting a “Golden Gloves” show. Likewise, Ring 8, a veterans boxing association sent to its members an email seeking “volunteers to work the Golden Glove [sic] show on Wednesday, March 14th.” It thus appears that defendant is at least passively, if not actively, perpetuating the confusion and trading on GOLDEN GLOVES goodwill. Whether communications are made to the general public, or are more private in nature, they are being made to relevant constituents, including coaches and boxers – rendering them proxies for more public use. Beyond the harm to Plaintiff from confusion among fans and ticket buyers, the confusion among the boxing community itself is just as, if not more, problematic.

Plaintiff recognizes that Defendant does not have the ability to control third parties, including the press, but it can clearly communicate to them and it does not appear to have done so. Its January 31 response does not explain what “affirmative and good-faith steps” it has taken or will take to ensure that all of its members fully comply with the Court’s preliminary injunction. The press release that was released to the public certainly did not aid in mitigating confusion.

Plaintiff has brought the above-referenced items to the attention of Defendant’s counsel, who contends that they don’t raise any issue or evince a pattern that warrants correction, leaving little doubt that, absent further Court action and meaningful consequences, Defendant will continue to solicit hosts and volunteers for Golden Gloves shows and use “Golden Gloves” in a misleading non-descriptive manner. Plaintiff respectfully submits that it should not be required to police Defendant, which should be responsible for its own compliance. Defendant is engaging



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in a pattern of behavior at great expense to Plaintiff, both in terms of irreparable harm to its trademark and in the form of attorney's fees and costs for continuing to review and respond to violations of the injunction. Plaintiff therefore respectfully requests that defendant be held to be in contempt for violating the Court's preliminary injunction and that monetary sanctions be levied for this violation and for any future violations of the preliminary injunction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Lerner', written in a cursive style.

Mark Lerner

Enclosures

cc: Johnnie Woluewich (*via email*)

FOR IMMEDIATE RELEASE

USA Boxing Metro Extends Registration Deadline for New National Golden Gloves Qualifying Tournament

NEW YORK, NY – February 2, 2018 – USA Boxing Metro will conduct the “New York Metro Qualifiers,” beginning in mid-February and running through April. Due to the large number of entries, the registration deadline for the Qualifiers has been extended to February 9th. Competitors and coaches wishing to participate in the Qualifiers must register with USA Boxing, Metro at this link below, by February 9th and must attend the final preliminary weigh-in session on Friday, February 9th at Gleason’s Gym (130 Water Street in Brooklyn) from 5 PM to 8 PM. Boxers must bring proof of registration and USA Boxing passbooks (if renewing membership) with them to the weigh-ins.

The tournament is open to boxers aged 8 years and older from the New York City Metropolitan area, up to and including Dutchess, Orange, and Ulster Counties. Open Class competitors aged 19 to 40 will qualify for the May, 2018 National Golden Gloves Tournament in Omaha, Nebraska. Additionally, Boxers aged 8 to 18 will advance to the 2018 National Junior Olympics in Charleston, WV – making this USA Boxing Metro’s largest advancing tournament ever.

The Qualifiers will showcase the talents of New York’s best young amateur boxers in venues around the New York City area. A schedule of approximately 30 qualifying shows, including preliminaries, quarterfinals, semifinals and finals, will be available at www.usaboxingmetro.com and via social media sites: <https://m.facebook.com/usaboxingmetro/> and usaboxingmetro on Instagram <https://www.instagram.com/usaboxingmetro/>.

“This major event will be a first in many ways,” said USA Boxing, Metro’s Interim President, and world champion boxer, Sonya Lamonakis. “The tournament will feature competitors of all ages, not

just Open and Novice Class Senior boxers, and it will be Metro's largest tournament ever – a world-class amateur boxing production.”

“New York has produced many world champions in both the amateur and professional ranks,” said Mike McAtee, Executive Director of USA Boxing, Inc., the sanctioning body of amateur boxing in the United States. “This tournament will undoubtedly qualify a top-notch team to represent New York in the 2018 National Golden Gloves Tournament.”

USA BOXING, INC. is the national governing body for Olympic-style amateur boxing. It is overseen by the United States Olympic Committee and the International Boxing Association (AIBA), which sets its rules. The national office is located in Colorado Springs, CO.

USA BOXING, METROPOLITAN ASSOCIATION, INC. is the Local Boxing Committee (LBC) comprising New York City, Long Island, and up to and including Dutchess, Sullivan, and Ulster Counties.

USA Boxing, Inc., USA Boxing, Metropolitan Association, Inc., and the “New York Metro Qualifiers” are not affiliated with and/or endorsed by Daily News Charities.

For further information, contact:

Ray Cuadrado: raycuadrado1@aol.com

Sonya Lamonakis: slamonakis@yahoo.com.

LINK:

<https://webpoint.usaboxing.org/wp15/Events2/ViewEvt.wp?EventID=18218&isPopUp=true>

USA BOXING METRO



The Metropolitan Association includes:
New York City, and Dutchess, Nassau,
Orange, Ulster, Putnam, Rockland,
Suffolk, Sullivan and Westchester
Counties



PHOTO CREDIT: SAL ACQUISITA
PROFESSOR OF BOXING PHOTOGRAPHY
AND AMANDA TARLEY MEDIA



METRO NEWS

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USA Boxing - CLICK HERE TO BECOME A MEMBER, BECOME A COACH, REGISTER YOUR CLUB, AND REQUEST A SANCTION TO HOST A SHOW!

Annual Athlete Physicals are required based on USA Boxing's current Technical and Competition Rules. Beginning June 1, 2016, all athlete members shall have proof of a current annual Sports Clearance physical attached to their passbook to be able to compete in USA Boxing sanctioned events. [CLICK FOR FORM.](#)

JIMMY O FIGHT DAY 2018

2/18/2018

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We will celebrate the life and times of the late, great Jimmy O.

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Cleaven "CJ" Evans

917.686.1670

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<https://m.facebook.com/usaboxingmetro/> and [usaboxingmetro on Instagram https://www.instagram.com/usaboxingmetro/](https://www.instagram.com/usaboxingmetro/)

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For further information, contact:

Ray Cuadrado: raycuadrado@aol.com

Sonya Lamonakis: slamonakis@yahoo.com

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USA Boxing Metro Extends Registration Deadline for New National Golden Gloves

Due to the large number of entries, the registration deadline for the Qualifiers has been extended to February 9th. Competitors and coaches wishing to participate in the Qualifiers must register with USA Boxing

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The clinic will be staffed with Hall of

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Thread

From: Ring 8 NY-VBA <ring8ny@gmail.com>

Date: February 2, 2018 at 2:43:01 PM EST

To: Henry Hascup <hhascup@yahoo.com>

Subject: Ring 8 is looking for volunteers to work the Golden Glove show on Wednesday, March 14th

Ring 8 is looking for volunteers to work the Golden Glove show on Wednesday, March 14th at the Plattdeutsch Park Restaurant (1132 Hempstead Turnpike) in Franklin Square, New York. ...Only those that respond will be considered...we need about 8 members.

If your interested in helping out PLEASE contact Bob Duffy, (516) 313-2304 or E-Mail – Depcomish@aol.com

Ring 8
The NYS Veteran Boxer's Association

i Contact: President, Jack Hirsch

PO Box 153
Rockaway Park, NY 11694
ajhirsch5@aol.com
516-790-7592